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Applicant: Jordan et al.
Appl. No.: 10/561,153
International Filing Date: March 28, 2006
Title: COMPOUNDS, COMPOSITIONS, AND METHODS FOR TREATMENT AND PREVENTION OF ORTHOPOXVIRUS INFECTIONS AND ASSOCIATED DISEASES
Attorney Docket No.: 704785-2001
Pub. No.: US 2006/0235051 A1
Pub. Date: October 19, 2006

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 19, 2006, for the above-identified application

The request is granted-in-part.

Applicant requests that the application be republished because the patent application publication contains material errors in paragraphs [0003], [0010], [0011], [0021], [0029], [0041], [0092], paragraph below "Example 41", [0104], abstract and the claims.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for republication of the application with respect to the errors in paragraphs [0003], [0010], [0011], [0021], [0029], [0041], [0092] and paragraph below "Example 41" is **GRANTED**. The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

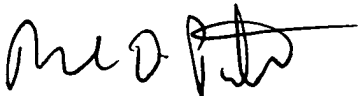
¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The errors noted by requestor with respect to the abstract and the claims are not Office errors, as the text does not appear in the abstract or claims as filed or previously amended.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

It would greatly benefit the Office if **applicant clearly** pointed out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark Polutta', with a long horizontal line extending from the end of the signature.

Mark Polutta
Senior Legal Advisor
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for Patent Examination Policy